

SENATE BILL 306

R5, R1, L2

2lr1418
CF HB 476

By: **Senator Ferguson (By Request – Baltimore City Administration)**

Introduced and read first time: January 27, 2012

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 6, 2012

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – Vehicle Height Monitoring Systems**

3 FOR the purpose of authorizing and establishing requirements for the use of certain
4 vehicle height monitoring systems in Baltimore City to enforce certain State
5 and local laws restricting ~~vehicle height~~ the presence of certain vehicles during
6 certain times; establishing that a vehicle height monitoring system may be used
7 under this Act only if its use is authorized by an ordinance adopted by the
8 Baltimore City Council; requiring Baltimore City to conduct a certain analysis
9 and obtain a certain approval before it places a vehicle height monitoring
10 system at a particular location; requiring Baltimore City to take certain steps
11 related to notice before activating a vehicle height monitoring system; providing
12 that certain persons recorded by a vehicle height monitoring system while
13 operating a motor vehicle or a combination of vehicles in violation of a State or
14 local law restricting ~~vehicle height~~ the presence of certain vehicles during
15 certain times are subject to certain penalties; establishing ~~a~~ certain maximum
16 ~~fine~~ fin ~~for a violation~~ violations of law enforced by means of a vehicle height
17 monitoring system under this Act; requiring the District Court to prescribe a
18 certain citation form and a civil penalty to be indicated on the citation;
19 requiring the Baltimore City Police Department or the Baltimore City
20 Department of Transportation to mail a citation to the owner of a motor vehicle
21 recorded by a vehicle height monitoring system under certain circumstances;
22 requiring a citation to include certain information; ~~authorizing~~ requiring the
23 sending of a warning instead of a citation for a first violation under this Act;
24 requiring a citation to be mailed within certain a period of time; authorizing a
25 person who receives a citation under this Act to pay the civil penalty in a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 certain manner or to elect to stand trial in the District Court; providing for the
 2 admissibility and use of certain evidence; authorizing a person receiving
 3 citations to have a certain vehicle height monitoring system operator be present
 4 and testify at trial; establishing the standard of proof in a trial for a violation of
 5 law enforced by a vehicle height monitoring system under this Act; establishing
 6 defenses that the District Court may consider; requiring a person to submit a
 7 certain proof in order to demonstrate a certain defense; prohibiting imposition
 8 of liability under this Act from being considered for certain purposes; requiring
 9 the Chief Judge of the District Court, in consultation with the Baltimore City
 10 Police Department, to adopt certain procedures; requiring the Baltimore City
 11 Police Department or the Baltimore City Department of Transportation, or a
 12 designated contractor, to administer citations issued under this Act in
 13 coordination with the District Court; prohibiting the fee of a contractor who
 14 operates a vehicle height monitoring system on behalf of Baltimore City to be
 15 contingent on the number of citations issued or paid; modifying the jurisdiction
 16 of the District Court to include certain proceedings; providing for the handling
 17 of certain court costs and penalties; prohibiting the custodian of recorded
 18 images produced by a vehicle height monitoring system from allowing
 19 inspection of the recorded images, subject to certain exceptions; restricting and
 20 providing for the use of certain revenues generated by this Act; defining certain
 21 terms; making a stylistic change; and generally relating to imposing liability on
 22 certain owners of motor vehicles recorded while being operated in violation of a
 23 State or local law restricting ~~vehicle height~~ the presence of certain vehicles
 24 during certain times.

25 BY repealing and reenacting, with amendments,
 26 Article – Courts and Judicial Proceedings
 27 Section 4–401(13), 7–301(a), 7–302(e), and 10–311
 28 Annotated Code of Maryland
 29 (2006 Replacement Volume and 2011 Supplement)

30 BY repealing and reenacting, with amendments,
 31 Article – Insurance
 32 Section 11–215(e) and 11–318(e)
 33 Annotated Code of Maryland
 34 (2011 Replacement Volume)

35 BY repealing and reenacting, with amendments,
 36 Article – State Government
 37 Section 10–616(o)
 38 Annotated Code of Maryland
 39 (2009 Replacement Volume and 2011 Supplement)

40 BY adding to
 41 Article – Transportation
 42 Section 24–111.3
 43 Annotated Code of Maryland

1 (2009 Replacement Volume and 2011 Supplement)

2 BY repealing and reenacting, with amendments,
3 Article – Transportation
4 Section 26–401
5 Annotated Code of Maryland
6 (2009 Replacement Volume and 2011 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article – Courts and Judicial Proceedings**

10 4–401.

11 Except as provided in § 4–402 of this subtitle, and subject to the venue
12 provisions of Title 6 of this article, the District Court has exclusive original civil
13 jurisdiction in:

14 (13) A proceeding for a civil infraction under § 21–202.1,
15 § 21–704.1, § 21–706.1, § 21–809, [or] § 21–810, **OR § 24–111.3** of the Transportation
16 Article or § 10–112 of the Criminal Law Article;

17 7–301.

18 (a) (1) Except as provided in paragraphs (2) and (3) of this subsection, the
19 court costs in a traffic case, including parking and impounding cases, cases under
20 § 21–202.1, § 21–809, [or] § 21–810, **OR § 24–111.3** of the Transportation Article in
21 which costs are imposed, and cases under § 10–112 of the Criminal Law Article in
22 which costs are imposed:

23 (i) Are \$22.50 plus the surcharge under subsection (f) of this
24 section; and

25 (ii) Shall also be applicable to those cases in which the
26 defendant elects to waive the defendant’s right to trial and pay the fine or penalty
27 deposit established by the Chief Judge of the District Court by administrative
28 regulation.

29 (2) In an uncontested case under § 21–202.1, § 21–809, [or] § 21–810,
30 **OR § 24–111.3** of the Transportation Article, an uncontested case under § 10–112 of
31 the Criminal Law Article, or an uncontested parking or impounding case in which the
32 fines are paid directly to a political subdivision or municipality, costs are \$2.00, which
33 costs shall be paid to and retained by the political subdivision or municipality.

1 (3) (i) In an uncontested case in which the fine is paid directly to
2 an agency of State government authorized by law to regulate parking of motor
3 vehicles, the court costs are \$2.00.

4 (ii) The fine and the costs under this paragraph shall be paid to
5 the agency, which shall receive and account for these funds as in all other cases
6 involving sums due the State through a State agency.

7 7-302.

8 (e) (1) A citation issued pursuant to § 21-202.1, § 21-706.1, § 21-809, [or]
9 § 21-810, **OR § 24-111.3** of the Transportation Article shall provide that the person
10 receiving the citation may elect to stand trial by notifying the issuing agency of the
11 person's intention to stand trial at least 5 days prior to the date of payment as set
12 forth in the citation. On receipt of the notice to stand trial, the agency shall forward to
13 the District Court having venue a copy of the citation and a copy of the notice from the
14 person who received the citation indicating the person's intention to stand trial. On
15 receipt thereof, the District Court shall schedule the case for trial and notify the
16 defendant of the trial date under procedures adopted by the Chief Judge of the District
17 Court.

18 (2) A citation issued as the result of a **VEHICLE HEIGHT**
19 **MONITORING SYSTEM**, A traffic control signal monitoring system, or A speed
20 monitoring system, including a work zone speed control system, controlled by a
21 political subdivision or a school bus monitoring camera shall provide that, in an
22 uncontested case, the penalty shall be paid directly to that political subdivision. A
23 citation issued as the result of a traffic control signal monitoring system or a work
24 zone speed control system controlled by a State agency, or as a result of a **VEHICLE**
25 **HEIGHT MONITORING SYSTEM**, A traffic control signal monitoring system, a speed
26 monitoring system, or a school bus monitoring camera in a case contested in District
27 Court, shall provide that the penalty shall be paid directly to the District Court.

28 (3) Civil penalties resulting from citations issued using a **VEHICLE**
29 **HEIGHT MONITORING SYSTEM**, traffic control signal monitoring system, speed
30 monitoring system, work zone speed control system, or school bus monitoring camera
31 that are collected by the District Court shall be collected in accordance with subsection
32 (a) of this section and distributed in accordance with § 12-118 of the Transportation
33 Article.

34 (4) (i) From the fines collected by a political subdivision as a result
35 of violations enforced by speed monitoring systems or school bus monitoring cameras,
36 a political subdivision:

37 1. May recover the costs of implementing and
38 administering the speed monitoring systems or school bus monitoring cameras; and

1 2. Subject to subparagraph (ii) of this paragraph, may
2 spend any remaining balance solely for public safety purposes, including pedestrian
3 safety programs.

4 (ii) 1. For any fiscal year, if the balance remaining from the
5 fines collected by a political subdivision as a result of violations enforced by speed
6 monitoring systems, after the costs of implementing and administering the systems
7 are recovered in accordance with subparagraph (i)1 of this paragraph, is greater than
8 10% of the total revenues of the political subdivision for the fiscal year, the political
9 subdivision shall remit any funds that exceed 10% of the total revenues to the
10 Comptroller.

11 2. The Comptroller shall deposit any money remitted
12 under this subparagraph to the General Fund of the State.

13 **(5) FROM THE FINES COLLECTED BY BALTIMORE CITY AS A**
14 **RESULT OF VIOLATIONS ENFORCED BY VEHICLE HEIGHT MONITORING SYSTEMS,**
15 **BALTIMORE CITY MAY:**

16 **(I) RECOVER THE COSTS OF IMPLEMENTING AND**
17 **ADMINISTERING THE VEHICLE HEIGHT MONITORING SYSTEMS; AND**

18 **(II) SPEND THE REMAINING BALANCE SOLELY ON ROADWAY**
19 **IMPROVEMENTS.**

20 10-311.

21 (a) A recorded image of a motor vehicle produced by a traffic control signal
22 monitoring system in accordance with § 21-202.1 of the Transportation Article is
23 admissible in a proceeding concerning a civil citation issued under that section for a
24 violation of § 21-202(h) of the Transportation Article without authentication.

25 (b) A recorded image of a motor vehicle produced by a speed monitoring
26 system in accordance with § 21-809 or § 21-810 of the Transportation Article is
27 admissible in a proceeding concerning a civil citation issued under that section for a
28 violation of Title 21, Subtitle 8 of the Transportation Article without authentication.

29 (c) A recorded image of a motor vehicle produced by a school bus monitoring
30 camera in accordance with § 21-706.1 of the Transportation Article is admissible in a
31 proceeding concerning a civil citation issued under that section for a violation of
32 § 21-706 of the Transportation Article without authentication.

33 (d) **A RECORDED IMAGE OF A MOTOR VEHICLE PRODUCED BY A**
34 **VEHICLE HEIGHT MONITORING SYSTEM IN ACCORDANCE WITH § 24-111.3 OF**
35 **THE TRANSPORTATION ARTICLE IS ADMISSIBLE IN A PROCEEDING**
36 **CONCERNING A CIVIL CITATION ISSUED UNDER THAT SECTION FOR A VIOLATION**

1 **OF A STATE OR LOCAL LAW RESTRICTING ~~VEHICLE HEIGHT~~ THE PRESENCE OF**
 2 **CERTAIN VEHICLES DURING CERTAIN TIMES WITHOUT AUTHENTICATION.**

3 (E) In any other judicial proceeding, a recorded image produced by a
 4 **VEHICLE HEIGHT MONITORING SYSTEM**, traffic control signal monitoring system,
 5 speed monitoring system, work zone speed control system, or school bus monitoring
 6 camera is admissible as otherwise provided by law.

7 **Article – Insurance**

8 11–215.

9 (e) For purposes of reclassifying an insured in a classification that entails a
 10 higher premium, an insurer under an automobile insurance policy may not consider a
 11 probation before judgment disposition of a motor vehicle law offense, a civil penalty
 12 imposed pursuant to § 21–202.1, § 21–809, [or] § 21–810, **OR § 24–111.3** of the
 13 Transportation Article, or a first offense of driving with an alcohol concentration of
 14 0.08 or more under § 16–205.1 of the Transportation Article on record with the Motor
 15 Vehicle Administration, as provided in § 16–117(b) of the Transportation Article.

16 11–318.

17 (e) For purposes of reclassifying an insured in a classification that entails a
 18 higher premium, an insurer under an automobile insurance policy may not consider a
 19 probation before judgment disposition of a motor vehicle law offense, a civil penalty
 20 imposed pursuant to § 21–202.1, § 21–809, [or] § 21–810, **OR § 24–111.3** of the
 21 Transportation Article, or a first offense of driving with an alcohol concentration of
 22 0.08 or more under § 16–205.1 of the Transportation Article on record with the Motor
 23 Vehicle Administration, as provided in § 16–117(b) of the Transportation Article.

24 **Article – State Government**

25 10–616.

26 (o) (1) In this subsection, “recorded images” has the meaning stated in
 27 § 21–202.1, § 21–809, [or] § 21–810, **OR § 24–111.3** of the Transportation Article.

28 (2) Except as provided in paragraph (3) of this subsection, a custodian
 29 of recorded images produced by a traffic control signal monitoring system operated
 30 under § 21–202.1 of the Transportation Article, a speed monitoring system operated
 31 under § 21–809 of the Transportation Article, [or] a work zone speed control system
 32 operated under § 21–810 of the Transportation Article, **OR A VEHICLE HEIGHT**
 33 **MONITORING SYSTEM OPERATED UNDER § 24–111.3 OF THE TRANSPORTATION**
 34 **ARTICLE** shall deny inspection of the recorded images.

35 (3) A custodian shall allow inspection of recorded images:

1 (i) as required in § 21–202.1, § 21–809, [or] § 21–810, OR
2 § 24–111.3 of the Transportation Article;

3 (ii) by any person issued a citation under § 21–202.1, § 21–809,
4 [or] § 21–810, OR § 24–111.3 of the Transportation Article, or an attorney of record
5 for the person; or

6 (iii) by an employee or agent of an agency in an investigation or
7 proceeding relating to the imposition of or indemnification from civil liability pursuant
8 to § 21–202.1, § 21–809, [or] § 21–810, OR § 24–111.3 of the Transportation Article.

9 **Article – Transportation**

10 **24–111.3.**

11 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
12 MEANINGS INDICATED.

13 (2) “OWNER” MEANS THE REGISTERED OWNER OF A MOTOR
14 VEHICLE.

15 (3) “RECORDED IMAGE” MEANS AN IMAGE RECORDED BY A
16 VEHICLE HEIGHT MONITORING SYSTEM:

17 (I) ON:

- 18 1. A PHOTOGRAPH;
- 19 2. A MICROPHOTOGRAPH;
- 20 3. AN ELECTRONIC IMAGE;
- 21 4. VIDEOTAPE; OR
- 22 5. ANY OTHER MEDIUM; AND

23 (II) SHOWING:

- 24 1. THE FRONT OR SIDE OF A MOTOR VEHICLE OR
25 COMBINATION OF VEHICLES;
- 26 2. AT LEAST TWO TIME–STAMPED IMAGES OF THE
27 MOTOR VEHICLE OR COMBINATION OF VEHICLES THAT INCLUDE THE SAME

1 STATIONARY OBJECT NEAR THE MOTOR VEHICLE OR COMBINATION OF
2 VEHICLES; AND

3 3. ON AT LEAST ONE IMAGE OR PORTION OF TAPE, A
4 CLEAR AND LEGIBLE IDENTIFICATION OF:

5 ~~A. THE THE~~ THE ENTIRE REGISTRATION PLATE NUMBER
6 OF THE MOTOR VEHICLE; ~~OR~~

7 ~~B. THE UNITED STATES DEPARTMENT OF~~
8 ~~TRANSPORTATION NUMBER OF THE MOTOR VEHICLE IN ITS ENTIRETY.~~

9 (4) "VEHICLE HEIGHT MONITORING SYSTEM" MEANS A DEVICE
10 WITH ONE OR MORE MOTOR VEHICLE SENSORS THAT IS CAPABLE OF
11 PRODUCING RECORDED IMAGES OF VEHICLES WHOSE HEIGHT EXCEEDS A
12 PREDETERMINED LIMIT.

13 (B) (1) A VEHICLE HEIGHT MONITORING SYSTEM MAY BE USED TO
14 RECORD IMAGES OF VEHICLES TRAVELING ON A HIGHWAY IN BALTIMORE CITY
15 UNDER THIS SECTION ONLY IF THE USE OF VEHICLE HEIGHT MONITORING
16 SYSTEMS IS AUTHORIZED BY AN ORDINANCE ADOPTED BY THE BALTIMORE CITY
17 COUNCIL AFTER REASONABLE NOTICE AND A PUBLIC HEARING.

18 (2) BEFORE BALTIMORE CITY PLACES OR INSTALLS A VEHICLE
19 HEIGHT MONITORING SYSTEM AT A PARTICULAR LOCATION, IT SHALL:

20 (I) CONDUCT AN ANALYSIS TO DETERMINE THE
21 APPROPRIATENESS OF THE LOCATION; AND

22 (II) OBTAIN THE APPROVAL OF THE BALTIMORE CITY
23 POLICE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE.

24 (3) BEFORE ACTIVATING A VEHICLE HEIGHT MONITORING
25 SYSTEM, BALTIMORE CITY SHALL:

26 (I) PUBLISH NOTICE OF THE LOCATION OF THE VEHICLE
27 HEIGHT MONITORING SYSTEM ON ITS WEB SITE AND IN A NEWSPAPER OF
28 GENERAL CIRCULATION IN THE JURISDICTION;

29 (II) ENSURE THAT ALL SIGNS STATING ~~HEIGHT AND WEIGHT~~
30 ~~LIMITATIONS~~ RESTRICTIONS ON THE PRESENCE OF CERTAIN VEHICLES DURING
31 CERTAIN TIMES APPROACHING AND WITHIN THE SEGMENT OF HIGHWAY ON
32 WHICH THE VEHICLE HEIGHT MONITORING SYSTEM IS LOCATED INCLUDE SIGNS
33 THAT:

1 1. ARE IN ACCORDANCE WITH THE MANUAL AND
2 SPECIFICATIONS FOR A UNIFORM SYSTEM OF TRAFFIC CONTROL DEVICES
3 ADOPTED BY THE STATE HIGHWAY ADMINISTRATION UNDER § 25-104 OF THIS
4 ARTICLE; AND

5 2. INDICATE THAT A VEHICLE HEIGHT MONITORING
6 SYSTEM IS IN USE.

7 (C) A VEHICLE HEIGHT MONITORING SYSTEM OPERATOR SHALL FILL
8 OUT AND SIGN A DAILY SET-UP LOG FOR A VEHICLE HEIGHT MONITORING
9 SYSTEM THAT:

10 (1) STATES THAT THE OPERATOR SUCCESSFULLY PERFORMED
11 THE MANUFACTURER-SPECIFIED SELF-TEST OF THE VEHICLE HEIGHT
12 MONITORING SYSTEM BEFORE PRODUCING A RECORDED IMAGE;

13 (2) SHALL BE KEPT ON FILE; AND

14 (3) SHALL BE ADMITTED AS EVIDENCE IN ANY COURT
15 PROCEEDING FOR A VIOLATION OF THIS SECTION.

16 (D) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE OR
17 COMBINATION OF VEHICLES RECEIVED A CITATION FROM A POLICE OFFICER AT
18 THE TIME OF THE VIOLATION, THE OWNER OF A MOTOR VEHICLE OR
19 COMBINATION OF VEHICLES IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR
20 VEHICLE OR COMBINATION OF VEHICLES IS RECORDED BY A VEHICLE HEIGHT
21 MONITORING SYSTEM WHILE BEING OPERATED IN VIOLATION OF A STATE OR
22 LOCAL LAW RESTRICTING ~~VEHICLE HEIGHT~~ THE PRESENCE OF CERTAIN
23 VEHICLES DURING CERTAIN TIMES.

24 (2) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED:

25 (I) FOR A SECOND VIOLATION BY THE OWNER OF THE
26 MOTOR VEHICLE, \$250; AND

27 (II) FOR A THIRD OR SUBSEQUENT VIOLATION BY THE
28 OWNER OF THE MOTOR VEHICLE, \$500.

29 (3) FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT
30 SHALL PRESCRIBE:

1 (I) A UNIFORM CITATION FORM CONSISTENT WITH
2 SUBSECTION (D)(1) OF THIS SECTION AND § 7-302 OF THE COURTS ARTICLE;
3 AND

4 (II) A CIVIL PENALTY, WHICH SHALL BE INDICATED ON THE
5 CITATION, TO BE PAID BY PERSONS WHO CHOOSE TO PREPAY THE CIVIL
6 PENALTY WITHOUT APPEARING IN DISTRICT COURT.

7 (E) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) AND (3) OF
8 THIS SUBSECTION, THE BALTIMORE CITY POLICE DEPARTMENT OR THE
9 BALTIMORE CITY DEPARTMENT OF TRANSPORTATION SHALL MAIL TO AN
10 OWNER LIABLE UNDER THIS SECTION A CITATION THAT SHALL INCLUDE:

11 (I) THE NAME AND ADDRESS OF THE REGISTERED OWNER
12 OF THE MOTOR VEHICLE;

13 (II) THE REGISTRATION NUMBER ~~OR THE UNITED STATES~~
14 ~~DEPARTMENT OF TRANSPORTATION NUMBER~~ OF THE MOTOR VEHICLE
15 INVOLVED IN THE VIOLATION;

16 (III) THE VIOLATION CHARGED;

17 (IV) THE LOCATION AT WHICH THE VIOLATION OCCURRED;

18 (V) THE DATE AND TIME OF THE VIOLATION;

19 (VI) A COPY OF THE RECORDED IMAGE;

20 (VII) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE
21 DATE BY WHICH THE CIVIL PENALTY SHOULD BE PAID;

22 (VIII) A SIGNED STATEMENT BY A DULY AUTHORIZED LAW
23 ENFORCEMENT OFFICER COMMISSIONED BY THE BALTIMORE CITY POLICE
24 DEPARTMENT THAT, BASED ON INSPECTION OF THE RECORDED IMAGE, THE
25 MOTOR VEHICLE OR COMBINATION OF VEHICLES WAS BEING OPERATED IN
26 VIOLATION OF A STATE OR LOCAL LAW RESTRICTING ~~VEHICLE HEIGHT~~ THE
27 PRESENCE OF CERTAIN VEHICLES DURING CERTAIN TIMES;

28 (IX) A STATEMENT THAT THE RECORDED IMAGE IS
29 EVIDENCE OF THE VIOLATION;

30 (X) INFORMATION ADVISING THE OWNER ALLEGED TO BE
31 LIABLE UNDER THIS SECTION OF THE MANNER AND TIME IN WHICH LIABILITY

1 AS ALLEGED IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT;
2 AND

3 (XI) INFORMATION ADVISING THE OWNER ALLEGED TO BE
4 LIABLE UNDER THIS SECTION THAT FAILURE TO PAY THE CIVIL PENALTY OR TO
5 CONTEST LIABILITY IN A TIMELY MANNER IS AN ADMISSION OF LIABILITY.

6 (2) THE BALTIMORE CITY POLICE DEPARTMENT OR THE
7 BALTIMORE CITY DEPARTMENT OF TRANSPORTATION ~~MAY~~ SHALL, FOR A FIRST
8 VIOLATION, MAIL A WARNING NOTICE INSTEAD OF A CITATION TO AN OWNER
9 LIABLE UNDER THIS SECTION.

10 (3) A CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED
11 NO LATER THAN 30 DAYS AFTER THE ALLEGED VIOLATION.

12 (4) A PERSON WHO RECEIVES A CITATION UNDER THIS SECTION
13 MAY:

14 (I) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH
15 INSTRUCTIONS ON THE CITATION, DIRECTLY TO BALTIMORE CITY; OR

16 (II) ELECT TO STAND TRIAL IN THE DISTRICT COURT FOR
17 THE ALLEGED VIOLATION.

18 (F) (1) A CERTIFICATE ALLEGING THAT A VIOLATION OF A STATE OR
19 LOCAL LAW RESTRICTING ~~VEHICLE HEIGHT~~ THE PRESENCE OF CERTAIN
20 VEHICLES DURING CERTAIN TIMES OCCURRED AND THAT THE REQUIREMENTS
21 UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION HAVE BEEN AFFIRMED BY A
22 DULY AUTHORIZED LAW ENFORCEMENT OFFICER COMMISSIONED BY THE
23 BALTIMORE CITY POLICE DEPARTMENT, BASED ON INSPECTION OF THE
24 RECORDED IMAGE PRODUCED BY THE VEHICLE HEIGHT MONITORING SYSTEM,
25 SHALL BE:

26 (I) EVIDENCE OF THE FACTS CONTAINED IN THE
27 CERTIFICATE; AND

28 (II) ADMISSIBLE IN A PROCEEDING ALLEGING A VIOLATION
29 UNDER THIS SECTION WITHOUT THE PRESENCE OR TESTIMONY OF THE VEHICLE
30 HEIGHT MONITORING SYSTEM OPERATOR.

31 (2) IF A PERSON WHO RECEIVED A CITATION UNDER THIS
32 SECTION DESIRES THE VEHICLE HEIGHT MONITORING SYSTEM OPERATOR TO
33 BE PRESENT AND TESTIFY AT TRIAL, THE PERSON SHALL NOTIFY THE COURT
34 AND THE STATE IN WRITING NO LATER THAN 20 DAYS BEFORE TRIAL.

1 **(3) ADJUDICATION OF LIABILITY SHALL BE BASED ON A**
2 **PREPONDERANCE OF EVIDENCE.**

3 **(G) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A**
4 **VIOLATION:**

5 **(I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,**
6 **THAT THE MOTOR VEHICLE OR THE REGISTRATION PLATES OF THE MOTOR**
7 **VEHICLE WERE STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT**
8 **UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF THE**
9 **VIOLATION; AND**

10 **(II) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT**
11 **COURT DEEMS PERTINENT.**

12 **(2) TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE**
13 **REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND**
14 **WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME**
15 **OF THE VIOLATION, THE OWNER SHALL SUBMIT PROOF THAT A POLICE REPORT**
16 **REGARDING THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS**
17 **FILED IN A TIMELY MANNER.**

18 **(H) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS**
19 **SECTION:**

20 **(1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF**
21 **ASSESSING POINTS UNDER § 16-402 OF THIS ARTICLE;**

22 **(2) MAY NOT BE RECORDED BY THE ADMINISTRATION ON THE**
23 **DRIVING RECORD OF THE OWNER OF THE VEHICLE;**

24 **(3) MAY NOT BE TREATED AS A PARKING VIOLATION FOR**
25 **PURPOSES OF § 26-305 OF THIS ARTICLE; AND**

26 **(4) MAY NOT BE CONSIDERED IN THE PROVISION OF MOTOR**
27 **VEHICLE INSURANCE COVERAGE.**

28 **(I) IN CONSULTATION WITH THE BALTIMORE CITY POLICE**
29 **DEPARTMENT, THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ADOPT**
30 **PROCEDURES FOR THE ISSUANCE OF CITATIONS, THE TRIAL OF CIVIL**
31 **VIOLATIONS, AND THE COLLECTION OF CIVIL PENALTIES UNDER THIS SECTION.**

1 **(J) (1) THE BALTIMORE CITY POLICE DEPARTMENT OR THE**
 2 **BALTIMORE CITY DEPARTMENT OF TRANSPORTATION, OR A CONTRACTOR**
 3 **DESIGNATED BY THE BALTIMORE CITY POLICE DEPARTMENT OR THE**
 4 **BALTIMORE CITY DEPARTMENT OF TRANSPORTATION, SHALL ADMINISTER**
 5 **AND PROCESS CIVIL CITATIONS ISSUED UNDER THIS SECTION IN COORDINATION**
 6 **WITH THE DISTRICT COURT.**

7 **(2) IF A CONTRACTOR OPERATES A VEHICLE HEIGHT**
 8 **MONITORING SYSTEM ON BEHALF OF BALTIMORE CITY, THE CONTRACTOR’S**
 9 **FEE MAY NOT BE CONTINGENT ON THE NUMBER OF CITATIONS ISSUED OR PAID.**

10 26–401.

11 If a person is taken before a District Court commissioner or is given a traffic
 12 citation or a civil citation under § 21–202.1, § 21–809, [or] § 21–810, **OR § 24–111.3** of
 13 this article containing a notice to appear in court, the commissioner or court shall be
 14 one that sits within the county in which the offense allegedly was committed.

15 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
 16 **October 1, 2012.**

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.